



Missouri Ethics Commission

Guide to Continuing Committees (Political Action or PACs)

www.mec.mo.gov

6/2015

Continuing Committees

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Information about the Ethics Commission
and all forms and requirements can be found
on the Commission's website at
www.mec.mo.gov

This booklet is intended only as a guide to aid understanding of the
Campaign Finance Disclosure law.

For the law's complete requirements, consult the law itself codified
in Chapter 130, of the Revised Statutes of Missouri.

About Continuing Committees

Campaign finance disclosure law

(Chapter 130 RSMo)

Requires all campaign finance committees and all candidates, as well as certain individuals and entities, when receiving contributions and/or spending money to support or oppose candidates or ballot measures, to keep accurate and up-to-date accounts and records about their activity.

What is a campaign finance committee?

(§130.011 RSMo)

A committee is a person(s) who:

- ✓ Accepts contributions or spends money for the purpose of attempting to influence the action of voters; *and*
- ✓ The money spent or received exceeds certain dollar amounts

📄 See the [**When to Form & Register a Committee**](#) brochure on our website for more information.

NOTE: A continuing committee may also be known as a political action committee or PAC.

Any reference to one term or acronym will be inclusive of the others.

About Continuing Committees

What are the types of campaign finance committees?

(§130.011 RSMo)

- ✓ Campaign—formed to support or oppose a ballot measure in a specific election or for the retention of judges
- ✓ Candidate—formed by a single candidate for office in a specific election
- ✓ Continuing (Political Action Committee or PAC)—formed & directed by someone other than the candidate, remains in existence beyond any one election or ballot issue
- ✓ Debt Service—formed to retire a candidate committee's debt
- ✓ Exploratory—formed to receive and spend money to determine whether an individual will seek public office
- ✓ Political Party—formed to influence or attempt to influence the action of voters on behalf of a political party

📖 View the [**Forming a Campaign Finance Committee**](#) tutorial on our website for more information.

What is a Continuing Committee?

(§130.011 RSMo)

A continuing committee (political action committee or PAC):

- ✓ has continuing existence; and
- ✓ is **not** formed, controlled or directed by a candidate; and
- ✓ is **not** a candidate committee, political party committee, campaign committee, exploratory committee, or debt service committee, and
- ✓ has a primary or incidental purpose to receive contributions or make expenditures to influence or attempt to influence the action of voters (this applies even if particular candidate(s) or particular ballot measure(s) to support or oppose has not been determined).

About Continuing Committees

Who can form a Continuing Committee?

(§130.011 RSMo)

A continuing committee (political action committee or PAC) is formed for the **primary purpose** of soliciting, accepting and using contributions from its members, employees or stockholders, including, but not limited to, a committee organized or sponsored by a:

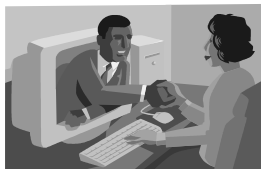
- ✓ business entity,
- ✓ labor organization,
- ✓ professional association,
- ✓ trade or business association,
- ✓ club or other organization; or an
- ✓ individual or group of individuals accepting and using contributions to influence or attempt to influence voter's actions.

What is a connected organization?

(§130.011 RSMo)

A connected organization is:

- ✓ any organization (such as a corporation, a labor organization, a membership organization, a cooperative, or trade or professional association) which spends money or provides services/facilities to establish, administer or maintain a committee or solicits contributions to a committee from its members, officers, directors, employees or security holders; or
- ✓ any organization that makes contributions to a committee during the current calendar year **and** more than 50% of those contributions are from its members, officers, directors, employees or security holders (or their spouses).



Campaign Finance Basics

Forming a continuing committee

(§130.011 RSMo)

A continuing committee (political action committee or PAC) must be formed no later than 60 days before the election for which the committee receives contributions or makes expenditures

Treasurer/Deputy Treasurer requirements

(§130.021 RSMo)

- ✓ The treasurer/deputy treasurer of a continuing committee is required to be a resident of Missouri (MEC Advisory Opinion 2008-10.CF.009).
- ✓ Duties associated with campaign finance:
 - Deposit/withdraw/write checks from official bank account
 - Ensure funds are not commingled
 - Invest funds in savings or other investment account
 - Maintain committee record-keeping
 - File committee campaign finance reports
 - Provide contact information for person responsible for preserving committee's records for 3 years after election/report and within 10 days after termination
- 🔗 See the [**Treasurer's Guide for Campaign Finance**](#) brochure on our website for more information.

Treasurer will be responsible for campaign funds, record-keeping and reporting. Non-compliance may result in fees assessed against committee and/or committee treasurer.

Campaign Finance Basics

Official Depository (Bank) Account

(§130.021 RSMo)

Every committee must have one official bank account which is:

- ✓ Held in the committee's name
- ✓ At a federal or state chartered depository within Missouri
- ✓ A negotiable draft type of account
- ✓ Able to provide record of deposits, cancelled checks and any other account activity.

Statement of Committee Organization

(§130.021.5 RSMo)

- ✓ The treasurer (or deputy treasurer) of the committee must file a *Statement of Committee Organization* within 20 days after the person or organization becomes a committee but no later than the date the first report must be filed.
- ✓ An *Amended Statement of Committee Organization* must be filed within 20 days of any change.

Where to file committee reports

(§130.026.5(2) RSMo)

- ✓ A continuing committee (political action committee or PAC) files campaign finance reports with:
 - the Missouri Ethics Commission; and
 - the election authority for the county in which the committee is domiciled (domiciled means the address of the committee listed on the *Statement of Committee Organization*).
- ✓ If a continuing committee (political action committee or PAC) makes an expenditure totaling more than \$500 to support or oppose a candidate or ballot measure in the jurisdiction of an election authority other than the one in which the committee is domiciled, the committee must file a copy of the report disclosing the expenditure with the election authority for that jurisdiction (does not include direct contributions).

Campaign Finance Basics

Committee report types

(§130.046.5(2) RSMo)

A continuing committee (political action committee or PAC) files a full disclosure report unless requirements for filing a limited activity report are met (see below).

A Statement of Limited Activity Report:

✓ **Can** be filed:

- If contributions received are \$500 or less since the last full disclosure report was filed;
- If expenditures made are \$500 or less since the last full disclosure report was filed;
- If no single contributor has contributed more than \$300 during the reporting period.

✓ **Cannot** be filed:

- For two (2) or more consecutive reporting periods if either contributions received or expenditures made during those reporting periods exceeds \$500;
- For the 30 Day After Election report, if the committee has a deficit (debt) of more than \$5,000;
- For any report filed after the 30 Day After Election report, if the committee has a deficit (debt) of more than \$1,000

🔗 See the [**Statement of Limited Activity**](#) brochure on our website for more information.

Campaign Finance Basics

Direct Expenditure

(§130.041.1(4)(7) RSMo)

- ✓ A direct expenditure **is an expenditure made to support/oppose a** candidate or ballot measure, without the candidate's or the campaign committee's **coordination or consultation** (ex: no money was given to the candidate or campaign committee, the money was paid directly to the vendor)
- ✓ It does not include:
 - Candidate committees making expenditures for their candidate
 - Expenditures made for a purpose other than to support or oppose a candidate or ballot measure, (ex: expenses for keeping a permanent office, office facilities, and/or office equipment)
- ✓ When reporting, if the expenditure made supports more than one candidate and/or ballot measure, pro-rate the amount between the candidates and/or ballot measures

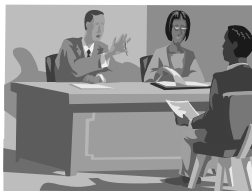
When filing disclosure reports:

Report as:

Step 1: Expenditures Made; **and**

Step 2: Expenditures Made to Support or Oppose a Candidate or Ballot Measure

NOTE: If the recipient **had** coordination or consultation, etc., they report as an In-Kind Contribution Received; **AND** the maker reports as an Expenditure Made, Supplementing with Expenditure Made to Support/Oppose information and as an In-Kind Contribution Made (ex: PAC working with candidate to pay for/place advertisement in support of candidacy).



Campaign Finance Basics

Independent Contractor Expenditure

(§130.041.4 RSMo)

- ✓ When spending money for professional services or for “**consulting or consulting services, fees or expenses**”, the continuing committee (political action committee or PAC) must report details of the specific service(s) provided by the contractor and the dollar amount spent for each service (pro-rate if more than one service provided).
- ✓ Pro-rated services—Examples:
 - Public Opinion Polling
 - Research on issues or opposition background
 - Print or broadcast media production or purchase
 - Computer programming or data entry
 - Direct mail production
 - Postage, Rent or Utilities
 - Phone solicitation
 - Fund-raising

When filing disclosure reports:

Report as:

Step 1: Expenditures Made; and

Step 2: Expenditures to Independent Contractors

Campaign finance report due dates

(§130.046 RSMo)

- ✓ A continuing committee (political action committee or PAC) reports on a quarterly basis by the 15th day of the month following the end of a quarter:

Time Period Covered	Report Due
January 1—March 31	April 15
April 1—June 30	July 15
July 1—September 30	October 15
October 1—December 31	January 15



Campaign Finance Basics

Campaign finance report due dates (cont.)

(§130.046 RSMo)

- ✓ A continuing committee (political action committee or PAC) must ALSO submit additional reports based upon election **and/or committee** activity:
 - ♦ **40 Day Before Election Report**
 - ◇ Required if committee accepts contributions or makes expenditures in support of or opposition to any candidate or ballot measure in a specific election (and if the quarterly disclosure report filed for the period immediately prior to the election was filed more than 40 days before the election)
 - ◇ Report for period closing on the 45th day prior to the election
 - ♦ **8 Day Before Election Report**
 - ◇ Required if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure in a specific election
 - ◇ Report for period closing on the 12th day prior to the election
 - ♦ **30 Day After Election Report**
 - ◇ Required if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure in a specific election
 - ◇ Report for period closing on the 25th day after the election



Campaign Finance Basics

Campaign finance report due dates (cont.) (§130.046 RSMo)

- ◆ **48 Hour Report of Contribution over \$5,000**
 - ◇ Required **each time** (during the life of the committee) the committee receives any contribution (including loans, see §130.011 RSMo for full definition of contribution) from a single contributor over \$5,000
 - ◇ Required to be filed electronically
 - ◇ Reported within 48 hours of receipt
 - ◇ **Late fees apply**
- ◆ **Late Expenditure Report**
 - ◇ Required each time a continuing committee (political action committee or PAC) spends more than \$250, whether in a single expenditure or in combined expenditures, after the 12th day before the election
 - ◇ Required to be a full disclosure report
 - ◇ Reported within 24 hours of expenditure
- ◆ **Late Contribution Report**
 - ◇ Required if the committee receives any contribution (including loans, see §130.011 RSMo for full definition of contribution) over \$250, between the 11th day through the day before the election
 - ◇ Reported within 24 hours of receipt

View the
Deadlines & Reminders flyers and/or
Campaign Finance Filing Requirements & Dates
calendar posted on our website for exact due
dates for a specific election

Campaign Finance Basics

Deadlines for Filing Reports

(§130.046.8, §105.964 RSMo)

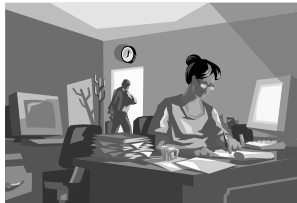
- ✓ Reports must be electronically filed by 5:00 p.m. on the due date to be considered timely filed
- ✓ If the due date for filing a report falls on a Saturday, Sunday or an official holiday, the due date is extended to 5:00 pm on the next business day. (This **does NOT apply** to reports required to be filed after the 8 Day Before Election Report, **including** the 48 Hour of Contribution over \$5,000, the Late Expenditure Report, and the Late Contribution Report)

Late Filing Fees

(§105.963 RSMo)

Every committee required to file campaign finance reports with the Missouri Ethics Commission is subject to late filing fees:

- ✓ Ten dollars (\$10.00) per day
- ✓ Except for the 8-Day Before Election Report assessed at \$100 per day for the first 8 days and \$10 per day thereafter



FAQs

Should a club register as a continuing committee?

- ✓ It depends upon the purpose and/or actions of the club.
- ✓ If a club receives more than \$500 and/or spends more than \$500, and/or receives more than \$250 from a single contributor, for the primary or incidental purpose of influencing or attempting to influence the action of voters, then the club must form and register a campaign finance political action committee.
- ✓ If the club's primary or incidental purpose is something **other** than to influence or attempt to influence the action of voters, then they do not need to form or register as a campaign finance continuing committee.

(See below)

- 📄 See the [When to Form & Register a Committee](#) brochure on our website for more information.

Can a club give to candidates or candidate committees?

Yes, a club can give to candidates or candidate committees. If you are an individual or an entity not defined as a committee (such as a club), and are not accepting contributions from others, and you spend \$500 or more of your own money, you must file a Non-Committee Expenditure report. You are not required to form a committee.

Example: A Lion's club spending \$600 to support a candidate using money collected from annual dues, would be required to file a Non-Committee Expenditure Report (§130.047.1 RSMo)

FAQs

Can a continuing committee give to candidates or candidate committees?

Yes, a candidate campaign finance committee can receive contributions from a continuing committee as well as from another candidate committee or a political party committee.

Can a continuing committee accept donations from candidates or candidate committees?

Yes, there are currently no restrictions from where a continuing committee may receive contributions.

Can a continuing committee make a donation, either in the form of money or in a form other than money (in-kind) to another continuing committee?

Yes, there are currently no restrictions from where a continuing committee may receive contributions.

See §130.011 RSMo, for a complete definition of contribution. Contributions include monetary and in-kind as well as loans.

Can a federal PAC make contributions to a continuing committee (political action committee or PAC) registered in Missouri?

Yes, a federal political action committee can make contributions to any campaign finance committee registered in Missouri, including continuing committees.

Training

Visit the [training page](#) on our website to view the training & webinar schedule, web tutorials and more!!

Campaign Finance Resources

Brochures

- ◆ A Guide to Record-Keeping
- ◆ After Election Requirements & Debt Service Committees
- ◆ Campaign Committees
- ◆ Campaign Materials Identification Requirements
- ◆ Exempt Candidates
- ◆ Fund-Raising Event Held
- ◆ Guide to Ethics Laws (annual)
- ◆ Statement of Limited Activity Requirements
- ◆ Terminating a Committee
- ◆ Treasurer's Guide for Campaign Finance
- ◆ When to Form & Register a Committee

Tutorials

- ◆ Campaign Finance
 - ◇ Campaign Materials Identification Requirements (Paid-for-by)
 - ◇ Candidate Reporting Requirements Tutorial
 - ◇ Forming a Committee Tutorial
 - ◇ Supplemental Forms (paper filers)
- ◆ Campaign Finance Electronic Filing System
 - ◇ Overview & Navigational Tutorial
 - ◇ Reporting for e-filers (Pt 1—Pt 4)
 - ◇ Section Wizard Tutorial
 - ◇ Import Function Tutorial

Notes

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Missouri Ethics Commission

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